

**TOWN OF CASTLETON
DEVELOPMENT REVIEW BOARD MEETING
MINUTES JANUARY 16, 2018
CASTLETON TOWN OFFICES**

MEMBERS PRESENT D. Wood, W. Potter, J. Mark, B. Day, V. Waldron, Alt.

OTHERS PRESENT: Jeff Biasuzzi, Zoning Administrator, see attached list.

The meeting was called to order at 7:03pm by B. Day

APPROVAL OF AGENDA

MOTION: D. Wood made a motion to approve the agenda with a reversal of order of the permits. Seconded by J. Mark. All in favor. Motion Carried.

J. Biasuzzi informed the members that W. Bird was attending the meeting, and asked if the order of permit hearings could be reversed.

NEW BUSINESS

APPLICANT: ELLIS CONCRETE, INC., 443 RTE 30 S, CASTLETON (JARED ELLIS, AGENT), REQUEST FOR CHANGE OF USE FROM FORMER RETAIL SALES & FABRICATION SHOP TO RENTAL OFFICE, SELF-STORAGE & WAREHOUSE.

B. Day swore in all interested parties.

J. Biasuzzi handed the members a letter from J. Ellis that he had just received himself.

J. Ellis addressed the members by stating he is looking to rent out the spaces at the location. He presented the members with an additional drawing of what the large open space looks like with surrounding already portioned off spaces. There are many areas that are presently portioned off for storage or rental office space.

W. Potter confirmed with J. Ellis that there would be only interior changes and no exterior or structural changes.

B. Day asked if each space has there own entrances.

J. Ellis replied they do have their own entrances.

D. Wood asked about access from the outside of the building.

J. Ellis replied that you could go around the building from both sides and he has spoken with the fire Marshall and does not require an ACT 250 permit as the property is under 10 acres.

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J. Biasuzzi informed the members that he had spoken to C. Brown (surrounding land owner) and C. Brown expressed his support of this application.

J. Ellis did note that he would be coming back in the future with an application for outside storage.

J. Biasuzzi explained that the reason a permit is needed is for the change of use from a retail store to interior self-storage unit.

J. Mark asked if there was any legal basis that would prohibit the Commission from permitting a "multiple" use permit.

J. Biasuzzi said he thought it would be okay for both uses.

J. Biasuzzi wanted it noted that he has permits for offices now, he is just clarifying for the purposes of the future, that he is going to want to rent these offices to other businesses, if he has the opportunity to do so.

J. Mark confirmed that the applicant wanted storage in addition to existing manufacturing.

J. Biasuzzi gave an example to the members; stating he knew of a national trucking company looking for a new repair depot. The large open manufacturing area would work great for that. There is room outside for the storage of the trucks.

J. Ellis stated that J. Hughes had that same set up when he was there and he might need to put up a partition to separate the mechanic area from the manufacturing area. It would not be attached to a structural part, it would be free standing. It was preexisting also.

MOTION; J. Mark made a motion to close the hearing. Seconded by D. Wood. All in favor. Motion Carried.

APPLICANT; LEVEL 7 LLC, 53 RTE 30 N, CASTLETON, VT (P. KEYES & W. BIRD AGENTS) - REQUEST TO CHANGE THE USE FROM RETAIL SALES TO RESIDENTIAL/RENTAL.

J. Biasuzzi stated that this application is unusual as there were previous DRB decisions on this very subject that really makes it crystal clear. This Level 7 was a residential, a business moved in, never took out kitchen or bathroom, moved out and wanted to have tenant and use it for residential use. The previous decision clarified that it was a change of use and we discussed it at an earlier meeting and everyone concurred that this was a change of use. There are no parking issues. They are not altering the building.

V. Waldron noted that there are already tenants living there and have been for awhile now and asked if they would be receiving a notice of violation.

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J. Biasuzzi stated that the Town of Castleton has a policy where I may assign a \$200.00 administrative fee, I have not used it once in 4 years and don't intend to use it now.

V. Waldron you need to be consistent.

W. Potter stated it is definitely a change of use, if we give them a permit, what's the purpose of the permit, if they have already changed the use, it's a violation and they have to pay a penalty do they not?

J. Biasuzzi stated that the members would make that decision.

W. Potter asked J. Biasuzzi why they changed the use without a permit and if J. Biasuzzi had commented that to the applicant.

J. Biasuzzi replied that the answer to that is, in conversation with W. Bird, she was hoping to have a tenant move in, when Memories Forever moves. I said that's fine, I didn't know at the time that this document existed until I actually had to look into it, and that helped to clarify the course of action. And I said "send in an application, I will go to the Board first and see if it needs a change of use, we did that, and reported to her to send in an application and we will address it and get it done". So the paperwork follows the current use. So if there is a month or two that she has had now or a few months that she's had now someone in as a tenant who needed a place to stay and she had demonstrated good faith in getting a permit all along.

W. Potter asked J. Biasuzzi if he told W. Bird if it was okay to not worry about it at the time.

J. Biasuzzi replied that he did not tell her it was okay, I told her that she needed to get a permit.

W. Potter asked why she didn't get one before she did it.

J. Mark commented that he shared some of W. Potter's concerns because all the principles are still involved. W. Bird should know better.

J. Biasuzzi stated that when he asked about that, W. Bird replied that she didn't remember that being a condition of the previous permit.

D. Wood commented that when there is a violation it has to be applied to everyone, you can not choose who incurs the penalty.

MOTION: J. Mark made a motion to close the hearing. Seconded by D. Wood. All in favor. Motion Carried.

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OTHER BUSINESS

W. Potter stated that at the last meeting he had asked J. Biasuzzi to produce the revised plans that the members asked from E. Davis regarding the new house being built.

J. Biasuzzi stated that he can not find the permit, it is missing from the file.

W. Potter noted that the minutes from original meeting stated that there would be a revised set of plans.

J. Biasuzzi stated that he believes there is.

W. Potter said he would like to see them.

V. Waldron asked if E. Davis was asked for his copy of the revised plan.

J. Biasuzzi stated that he had asked E. Davis, and he was going to look for them.

W. Potter stated he understood from the minutes that the E. Davis would have to bring the revised plans back to the members for review with changes that the members requested.

J. Biasuzzi stated he thought that E. Davis only had to bring the revised set of plans to his attention.

W. Potter asked about the new bank of Main Street and why they did not need a change of use permit.

J. Biasuzzi stated that he has it from Mr. Rehlen in writing, that he only leased to the Heritage Family Credit Union the exact same premises that he leased to Citizen's Bank. I have it in two conversations with Attorney Kupferer that that's the belief.

D. Wood asked if Citizen's bank had offices on the second floor.

J. Biasuzzi said he knew an employee and they said a conference room was upstairs in addition to a rental unit.

J. Biasuzzi stated that the lister's information only goes back to 2008 and that he has nothing previous to that year to question the information he is being told from Mr. Rehlen.

MOTION: D. Wood made a motion to go into Deliberative Session. Seconded by J. Mark. All in favor. Motion Carried.

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MOTION: W. Potter made a motion to exit Deliberative Session. Seconded by J. Mark. All in favor. Motion Carried.

MOTION; D. Wood made a motion to approve permit # 7972, Level &, LLC for change of use and instruct the Zoning Administrator to administer the appropriate violation fee.

MOTION: J. Mark made a motion to approve permit # 7973, Ellis Concrete, for change of use for the retail space to self -storage space, the remainder buildings will continue to be used for manufacturing, storage and offices. Any other uses beyond these would require a new permit. Seconded by D. Wood. All in favor. Motion Carried.

MINUTES

MOTION: W. Potter made a motion to approve the minutes of Dec. 5, 2017, with spelling correction on pg 1, line 20, D. Woods to D. Wood. Seconded by D. Wood. All in favor. Motion Carried. (J. Mark – abstain)

ADJOURN

MOTION: J. Mark made a motion to adjourn. Seconded by D. Wood. All in favor. Motion Carried.

Respectfully,

V. Waldron

Date of Approval